



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

TITLE: STANDARDS FOR COMMUNITY PROTECTION - POLICY 15.04
INTENSIVE SUPPORTED LIVING SERVICES

Authority: Chapter 71A RCW Developmental Disabilities
Chapter 388-820 WAC Community Residential Services and Support
Chapter 388-825 WAC DD Services Rules

PURPOSE:

The Division of Developmental Disabilities (DDD) intends to serve persons identified as Community Protection Program (CPP) Participants in highly supervised community residential settings. These settings must be certified Community Protection - Intensive Supported Living Services (CP-ISLS) according to Chapter 388-820 WAC, *Community Residential Services and Support*. The standards described in Chapter 388-820 WAC apply except where otherwise indicated in this policy.

SCOPE:

This policy applies to DDD Field Services staff and certified residential providers serving persons who meet the Community Protection definition as described in this policy, and who are receiving, or being referred to, Community Protection-Intensive Supported Living Services.

DEFINITIONS:

Community Protection Intensive Supported Living Services (CP-ISLS) means intensive supported living services with access to twenty-four (24) hour supervision and instruction and support services, as identified in the CPP participant's Individual Service Plan (ISP) and Individual Instruction and Support Plan (IISP). CP-ISLS are provided by DDD certified and contracted community residential providers in housing owned, leased, sub-leased, or rented by the program participant.

Community Protection Program (CPP) means services specifically designed to support persons with community protection issues as defined in DDD Policy 15.01, *Community Protection Program Identification and Eligibility*, and in "Program Participant" below.

Community Protection Program Participant means a person eighteen (18) years of age or older who meets one or more of the following criteria and is receiving CPP services:

- (1) Has been convicted of or charged with a crime of sexual violence as defined in Chapter 71.09 RCW, including, but not limited to, rape, statutory rape, rape of a child, and child molestation;
- (2) Has been convicted of or charged with acts directed toward: strangers, individuals with whom a relationship has been established or promoted for the primary purpose of victimization, or persons of casual acquaintance with whom no substantial personal relationship exists;
- (3) Has been convicted of or charged with a sexually violent offense and/or predatory act, and may constitute a future danger;
- (4) Has not been convicted and/or charged, but has a history of stalking, sexually violent, predatory, and/or opportunistic behavior which demonstrates a likelihood to commit a sexually violent and/or predatory act based on current behaviors that may escalate to violence; and/or
- (5) Has committed one or more violent crimes, such as murder, attempted murder, arson, first degree assault, kidnapping, or use of a weapon to commit a crime.

Specialized Environment means a place where the program participant has agreed to supervision in a safe, structured manner specifying rules, requirements, restrictions, and expectations for personal responsibility in order to maximize community safety.

Security Precautions means environmental modifications that may include, but are not limited to:

- (1) The use of door and/or window alarms and visual screening of windows and fence openings;
- (2) Appropriate supervision in the home and community; and
- (3) Other modifications or restrictions recommended by the program participant's treatment professional and/or described in the IISP.

Treatment Team means the program participant and the group of people responsible for the development, implementation, and monitoring of the person's individualized supports and services. This group may include, but is not limited to, the case resource manager, therapist,

residential provider, employment/day program provider, and the person's legal guardian and/or family.

POLICY:

- A. Individuals who receive CP-ISLS must agree to comply with the specialized supports and restrictions specified in his or her Individual Service Plan (ISP), Individual Instruction and Support Plan (IISP), and treatment plan.
- B. CP-ISLS shall provide:
 - 1. An opportunity, voluntary or court ordered, for CPP participants to live successfully in the community and stay out of jail, prison or other criminal justice settings;
 - 2. Environmental and programmatic safeguards and structures, which enhance the protection of neighbors and community members from behaviors that endanger people or property and/or interfere with the rights of others; and
 - 3. A specialized environment in which CPP participants are supported to make positive choices to reduce the behaviors that require intensive intervention and supervision.
- C. When segregation of CPP participants and restrictions to their freedom of movement, association, communication, and access to goods or services are necessary to enhance public safety, the least restrictive interventions that effectively meet the goal of public safety must be used. Any restrictions must meet all requirements of DDD Policy 5.15, *Use of Restrictive Procedures*.
- D. Composition of Households: DDD does not generally recommend mixing persons with community protection issues with persons who do not have such issues, or mixing persons with sexual deviancy issues with those who do not have sexual deviancy issues.

Decisions to mix households must be based on individual circumstances and take into account:

- 1. Household restrictions;
- 2. Personal compatibility;
- 3. Risk of offense or re-offense;
- 4. Dangerousness; and
- 5. The person's choice.

The treatment team must review any potential mixed composition of households and make a recommendation to the Field Services Administrator (FSA). If a provider intends to offer services to non-DDD clients in the same household with CPP participants, DDD must approve these situations, taking into consideration the health, safety, and preference of all housemates (WAC 388-820-110). Prior to implementation, the final household composition must have the written approval of the FSA.

PROCEDURES:

The standards described in Chapter 388-820 WAC apply except where otherwise indicated in this policy.

A. Certification

In addition to WAC 388-820-140 through 388-820-240, certification for CP-ISLS agencies must include, but is not limited to:

1. Security precautions reasonably available to enhance protection of neighbors, children, vulnerable adults, animals, and others;
2. Integrated treatment goals, objectives, and therapeutic interventions to assist CPP participants to function safely in the community and avoid offending or re-offending;
3. Collaboration and coordination between DDD staff, employment/day program providers, therapists, and other agencies and individuals, such as law enforcement, corrections officers, schools, employers, and mental health workers; and
4. Program designs that avoid dehumanization or punitive attitudes.

B. Eligibility For CP-ISLS

In addition to standards in WAC 388-820-060, a CPP participant must:

1. Meet the definition of Community Protection Program Participant as described in this policy and in DDD Policy 15.01, *Community Protection Program Identification and Eligibility*;

2. Voluntarily consent, or consent as a condition of a court order, to participate in the program, including program policy, therapy recommendations, and restrictions to personal freedoms; and
3. Sign a pre-placement agreement with DDD if entering the program after the effective date of this policy.

C. Administration

In addition to WAC 388-820-250 through 388-820-440 and the contract, CP-ISLS providers must:

1. Maintain commercial general liability insurance of at least \$1,000,000 per occurrence and \$3,000,000 in the aggregate; and
2. Have written agency policies and procedures for serving individuals with community protection issues that include, but are not limited to, the following:
 - a. Program description and admission criteria:
 - (i) Program design,
 - (ii) Specialized environmental supports;
 - (iii) Communication between treatment team members, including the CPP participant and his or her guardian, therapists, corrections officers, employment/day program providers, and others;
 - (iv) Guidelines for supporting the CPP participant to choose appropriate residential and employment/day program settings, and appropriate locations for leisure time activities;
 - (v) Involvement of the CPP participant's guardian, family, and/or friends and their supervision responsibilities; and
 - (vi) Admission process for CPP participants, including agency documentation requirements.
 - b. Definition of staff roles and responsibilities:
 - (i) CPP participant security and supervision in the residence; and

- (ii) Community safety and CPP participant security when not in the residence (i.e., transporting CPP participants and during events in the community);
- c. Confidentiality and release of information, including maintaining program confidentiality with regard to disclosure of information related to the community protection designation of the CPP participant;
- d. CPP Participant rights and grievance procedure:
 - (i) Specific rights and grievance procedures of the CPP participant related to specialized environments; and
 - (ii) Use of any restrictive procedures as specified in DDD Policy 5.15, *Use of Restrictive Procedures*, including any requirements for Exceptions to Policy (ETP);
- e. Response and contingency plans for:
 - (i) Emergency relocation of the CPP participant;
 - (ii) Emergency staffing in the event changes are required to protect staff or others;
 - (iii) Situations that may be potentially dangerous (e.g., where the gender of staff working alone may cause them to be at risk or when the program participant obsesses about or makes threats to a specific staff person); and
 - (iv) General emergencies.
- f. Law enforcement requirements, including acknowledgment of and adherence to state laws governing registered and non-registered sexual offenders; and
- g. Incident reporting, including emergency procedures to notify DDD when a significant incident occurs or a CPP participant refuses to abide by restrictions, supervision requirements, treatment recommendations, and/or ceases participation in therapy.

Refer to DDD Policy 6.12, *Residential Reporting Requirements*, for additional guidance on incident reporting requirements. Field Services staff should also refer to DDD Policy 12.01, *Incident Management*.

D. Personnel

In addition to standards in WAC 388-26-260 through 388-820-270, CP-ISLS staff must:

1. Understand the importance of community protection and public safety;
2. Behave respectfully towards CPP participants;
3. Maintain appropriate personal and professional relationships with CPP participants; and
4. Implement the CPP participant's IISP, behavior support plan (BSP), and specialized therapy or recommendations, including therapist-approved treatment procedures. These must meet the requirements of DDD Policy 5.15, *Use of Restrictive Procedures*, and other related DDD policies.

E. Staffing

In addition to standards in WAC 388-820-290, CP-ISLS staffing must:

1. Meet supervision guidelines in the CPP participant's IISP, BSP, and/or therapist-approved treatment plan; and
2. Ensure the security needs of all CPP participants.

F. Staff Training

In addition to standards in WAC 388-820-330, CP-ISLS staff training must include, but is not limited to, the following topics:

1. *DDD Residential Guidelines* as related to or modified for serving people with community protection needs;
2. Orientation specific to community protection behavior issues and needs of CPP participants, including training on issues such as:
 - a. Staff and/or victim grooming and manipulation techniques;

- b. Triangle relationships (e.g., participant/therapist/provider);
 - c. Emotional responses of staff;
 - d. Offense patterns;
 - e. Awareness of power and control over individuals in a subordinate role; and
 - f. Ways to develop mutually respectful and trusting relationships while guarding against potentially manipulative behaviors of some CPP participants;
- 3. Expectations for collaboration and cooperation with treatment professionals, including attending group meetings and having joint training with therapists;
 - 4. Coordination and communication protocols with DDD case resource managers and other community supports, including employment/day program providers, corrections officers, guardians, families, and schools;
 - 5. Security procedures for the safety of CPP participants, provider staff, and the community;
 - 6. Procedures regarding maintenance of confidentiality and appropriate disclosure of personal information; and
 - 7. Legal issues regarding community protection behaviors.

G. Individual Service Plan

In addition to standards in WAC 388-820-520 through 388-820-550, the ISP must:

- 1. Specifically refer for placement in CP-ISLS;
- 2. Include all services paid for by DDD including, but not limited to, residential, employment/day program, and therapies;
- 3. Indicate the nature and frequency of required reports and updates; and

4. Be reviewed and updated at least annually, or whenever there is a change in the CPP participant's condition or services. Changes to the ISP must be agreed to by the treatment team.

H. Instruction and Support

In addition to standards in WAC 388-820-560 through 388-820-580, CPP participants must have:

1. A written individual plan that contains, at a minimum, the following:
 - a. An assessment of the CPP participant's emotional and behavioral issues as related to community protection risks;
 - b. Specific intervention strategies and techniques related to community protection risks;
 - c. Specific restrictions and measures, including security precautions, both in-home and out-of-home; and
 - d. Signatures of the DDD case resource manager and the CPP participant.
2. For CPP participants who have a history of sexual offending, a written psychosexual evaluation and treatment recommendations, including any restrictive procedures, approved by a certified SOTP.
3. A written Functional Assessment of any problem behaviors. For CPP participants with sexual offending issues, the written assessment by a certified Sexual Offender Treatment Provider (SOTP) may substitute for a Functional Assessment of those behaviors, and the provider's recommendations may serve as justification for restrictions related to the sexual behaviors.

If the CPP participant also has unrelated problem behaviors (such as property destruction), a Functional Assessment for those behaviors must be conducted in addition to the SOTP evaluation unless the evaluation addresses the behavior.
4. A written Positive Behavior Support Plan (BSP) that is based upon the functional assessment(s) described above. The BSP must meet the criteria set forth in DDD Policy 5.15, *Use of Restrictive Procedures*, when restrictive procedures are considered necessary to ensure participant or public safety.

I. Nurse Delegation

In addition to standards in WAC 388-820-730 through 388-820-790, CP-ISLS providers must disclose to the delegating nurse any relevant information related to community protection issues of CPP participants. Refer to DDD Policy 6.19, *Residential Medication Management*, for further information on nurse delegation.

J. Client Records

In addition to standards in WAC 388-820-730 through 388-820-790, CPP participant records must include:

1. The IISP, BSP, and a therapist-approved treatment plan when completed;
2. A psychosexual evaluation and risk assessment for sexually violent/predatory program participants when completed;
3. Documentation of the CPP participant's registration with appropriate law enforcement authorities, if required, as well as documentation of subsequent notification to DDD of registration;
4. Documentation of all agreements, plans and/or understandings with other agencies or individuals who support the CPP participant, including guardians and family members. These must include requirements for supervision of the CPP participant when staff is not present;
5. Documentation of the CPP participant's refusal to follow conditions of the IISP, BSP, and/or treatment recommendations of the SOTP or other treatment professional; and
6. Copies of any exceptions to policy (ETP) that have been approved.

K. Transportation

In addition to standards in WAC 388-820-720, CP-ISLS providers:

1. Must ensure and provide supervised transportation as needed for medical emergencies, appointments, day programs, and community activities; and
2. Are exempt from encouraging the independent use of public transportation by the CPP participant.

L. Physical Requirements

1. In addition to standards in WAC 388-820-070, CP-ISLS providers must:
 - a. Consider specific offense patterns when determining appropriate program locations, taking into account the preference of the person as much as possible. CPP participants with sexually violent and/or predatory behaviors may not live near schools, day care centers, public playgrounds, or similar settings; and
 - b. Determine appropriate and necessary restrictive procedures that may include visual screening of windows, doors and other openings, use of door and/or window alarms, and restricted access to certain areas.
2. WAC 388-820-070 exempts CP-ISLS from being located in a residential neighborhood within reasonable distance of physical resources. Where possible however, residences will be within a reasonable distance of physical resources.
3. The DDD Regional Administrator must provide written approval of the residential site for program participants with sexually violent and/or predatory behaviors.

EXCEPTIONS:

Standards for exceptions are the same as in WAC 388-820-930. Any exceptions to this policy must have the prior written approval of the Division Director.

SUPERSESSSION:

DDD Policy 4.10
Issued April 13, 2000

DDD Policy 4.10
Issued May 17, 1999

DDD Policy 4.10
Issued December 29, 1998

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